

REMARKS

I. STATUS OF THE CLAIMS

After entry of this amendment, claims 1-28, 32 and 36-46 are pending in the application.

II. REJECTION OF THE CLAIMS UNDER 103

The Examiner rejected all claims under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,343,324 to Hubis et al., (hereinafter HUBIS), in view of U.S. Patent No. 6,480,955 to DeKoning et al., (hereinafter DEKONING).

In response, the Applicant submits that HUBIS is disqualified as prior art against the claimed invention under 35 U.S.C. 103(c).

In particular, the Applicant submits that:

1. The present application was filed December 10, 1999, prior to the January 29, 2002, patent date of HUBIS. Thus, HUBIS qualifies as prior art only under 102(e);

2. The filing date of the present application, December 10, 1999, is after the date of enactment date, November 29, 1999, of the American Inventors Protection Act (AIPA) of 1999, Pub. L. No. 106-113, Sec. 4807(b); and

3. As provided in the AIPA, "the subject matter [of HUBIS] and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

As evidence of common ownership attached hereto are:

1. EXHIBIT A, a copy of Notice of Recordation of Assignment of application Serial No. 09/394,220, now U.S. Patent 6,343,324, from the inventors in HUBIS to Mylex Corporation; and

2. EXHIBIT B, a copy of Notice of Recordation of Assignment of the present application to Mylex Corporation.

CONCLUSION

Applicant respectfully requests reconsideration of the above-identified application in view of the preceding remarks and exhibits.

In the event that the Examiner identifies any other issues that would preclude issuing a Notice of Allowance, the courtesy of a telephone call to the undersigned attorney would be appreciated.

The Commissioner is authorized to charge any additional fees, such as fees for extension of time and claims added herein but not otherwise paid for, to Deposit Account No. 50-2319 (Order No. A-67525/RMA).

Respectfully submitted,

By: 
William E. Nuttle, Reg. No. 42,943

DORSEY & WHITNEY LLP
4 Embarcadero Center, Suite 3400
San Francisco, CA 94111-4187
Telephone: (650) 494-8700
Facsimile: (650) 494-8771